

EXHIBIT C

Minuti, Mark

From: Robert K Alber [condo28@mail.com]
Sent: Thursday, February 01, 2007 1:05 PM
To: Minuti, Mark; Dean, G. David
Cc: 'Sussman, Ronald R.'; 'Werkheiser, Gregory'; 'Abbott, Derek'; 'Steven E. Fox'; 'Kenney, Mark'; 'Rosner, Frederick B.'; Laser at Yahoo; eToys Shareholders Group - Scott Pletch; Christopher Beard (Business Fax); SEC - Susan Sherrill-Beard; SEC - Gordon Robinson; TB&F - James Garrity, ESQ; TB&F - Michael S Fox, ESQ; TB&F - Paul Traub, ESQ; TB&F - Susan Balaschak - aol; TB&F - Suzanne - Kronish Lieb; U.S. Trustee - Kelly B Stapleton; Robert K Alber
Subject: Alber Response to Minuti Letter of 2007-01-31

2/1/2007 6:26 AM

Dear Mr. Minuti,

Yes, I'm well aware that you represent Barry Gold. In fact I still remember the first time we met in person; in front of the speaker's podium in Federal Court on February 1st, 2005, just prior to a Bankruptcy Hearing in front of the Honorable Chief Federal Judge Mary F. Walrath. My admiration of your abilities as an Attorney have never lessened despite all that has occurred since.

To address your letter. No, I am not amenable to waiting for the Court to respond to your letter, or the Motion it references, for reasons described here, in this letter, and other reasons more appropriately addressed in the proper venue.

The Law provides for Barry Gold and the other Defendants (TB&F and MNAT) to have two (2) weeks to file your Reply Brief after I file my Opening Appellate Brief. After reception of your Reply Brief, I, Plaintiff, then have one (1) week to file my response.

But I am agreeable to the clock starting on your two (2) weeks to file your Reply Brief from the date the Court entered my Appellate Brief into the Court Record; which I believe was January 23rd, 2007 (although the Court was served by hand on January 19th, 2007, and my Brief was mailed to all of you the same day). These extra few days is all the professional courtesy I can bring myself to afford you, your client, and the other Defendants, seeing as how you, your client, and the other Defendants afforded me zero professional courtesy when I emailed all of you my letter dated November 16th, 2006. Of note: my previous letter extended professional

2/5/2007

courtesy to all of you, but was met with silence, followed only by Defendant's Motion to Dismiss my Appeal. As you know, during the October 16th, 2006, teleconference, which you, I, and several other Defendants' Counsels attended, when my Motion for an Extension of Time was addressed before the Honorable Federal Judge Kent A. Jordan, Judge Jordan clearly stated that if I needed more time it would be allowed, but that your client and the other Defendants would be given an opportunity to have me examined by a medical professional should you choose to do so. Well, you never chose to do so. And the recent Court Orders, along with other issues, render your Motion moot.

Another issue I will briefly address here, which was not mentioned in your letter but I wish to address anyway, is the current state of my health and the bearing it will have on my ability to respond in the foreseeable future (God willing): My health is still an issue; being under a Doctor's care until March 1st, 2007, and possibly longer should any complications arise from my emergency, not elective, surgery of December 1st, 2006. Said surgery was invasive, going into my cranial cavity (i.e. next to my brain). But in spite of my Doctor's wishes that I take more time off, I constructed, and then filed, my Appellate Brief in a very timely manner. This despite only having seven (7) days to respond since I didn't receive the Order from the Court until January 11th, 2007. {A preliminary diagnosis of my severe health condition is due to stress, overwork, and, of course, recovery from the surgery performed in my head on December 1st, 2006. At this time I would respectfully request that you reference my Motion requesting an Extension of Time which I filed on October 16th, 2007 (D.I. 35).}

That said, I will join with a Scheduling Order which will allow you and the other Defendants five (5) extra days to file your Reply Brief (for the reasons stated). But as things stand now, you only have until tomorrow (to file your Reply Brief).

Regards,

Robert K. Alber
Pro Se
eToys Shareholder of Record

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-----Original Message-----

From: Minuti, Mark [mailto:MMinuti@saul.com]

Sent: Wednesday, January 31, 2007 3:25 PM

To: Robert K Alber

Cc: Sussman, Ronald R.; Werkheiser, Gregory; Abbott, Derek; Steven E. Fox; Kenney, Mark; Rosner, Frederick B.

Subject:

Mr. Alber:

As you know, our firm represents Mr. Barry Gold in connection with the above referenced Appeals. On January 23, 2007, I wrote to the Court to request that the Court rule on the Appellees' pending motion to dismiss or hold a status conference to establish the remaining briefing deadlines to govern the Appeals. The Court has not responded to my letter.

We do not believe that there is a current deadline set for the Appellees to file their appeal briefs or a deadline for you to file any reply brief. Please confirm for me by return email if you agree that there are no current deadlines for filing the remaining briefs in the Appeals. If you disagree, I would ask as a matter of professional courtesy, that you agree to extend any briefing deadlines that you believe are applicable to all parties until the Court responds to my letter and an appropriate briefing schedule can be put in place.

I look forward to your reply.

Mark Minuti

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